

15-005-03 Timing of Compliance Inspection: The Department may conduct an on-site inspection at any time it deems necessary.

15-005.03A Random Selection: Each year the Department may conduct an inspection of up to 25% of the respite care services based on a random selection of licensed respite care services.

15-005.03B Focused Selection: The department may conduct an inspection of a respite care services when the Department is informed of one or more of the following:

1. An occurrence resulting in client death or serious physical harm to clients;
2. An occurrence resulting in imminent danger to or the possibility of death or serious physical harm to clients;
3. An accident or natural disaster resulting in damage to the physical plant and having a direct or immediate adverse effect on the health, safety, and security of clients;
4. The passage of five years without an inspection;
5. A complaint alleging violation of the Health Care Facility Licensure Act or 175 NAC 15 ;
6. Complaints that, because of their number, frequency, and type, raise concerns about the maintenance, operation, and management of the respite care services;
7. Financial instability of the licensee or of the licensee's parent company;

8. Outbreaks or recurrent incidents of physical health problems such as dehydration, pressure sores, or other illnesses;
9. Change of services, management, or ownership;
10. Change of the status of the accreditation on which licensure is based as provided in 175 NAC 15-004.07; and
11. Any other event that raises concerns about the maintenance, operation, and management of the respite care services.

15-005.04 Results of Compliance Inspections

15-005.04A When the inspection reveals violations that create imminent danger of death or serious physical harm or has direct or immediate adverse relationship to the health, safety or security of the persons receiving respite care services. the Department must review the inspection findings within 20 working days after the inspection. If the evidence supports the findings, the Department must impose discipline in accordance with 175 NAC 15-008.03.

15-005.04B When the inspection reveals one or more violations that create no imminent danger of death or serious physical harm and no direct or immediate adverse relationship to the health, safety or security of the persons receiving respite care services, the Department may request a statement of compliance from the respite care service. The statement of compliance must indicate any steps that have been or will be taken to correct each violation and the period of time estimated to be necessary to correct each violation. Based on the statement of compliance, the Department will take one of the following actions:

1. If the service submits and implements a statement of compliance that indicates a good faith effort to correct the violations, the department must not take any disciplinary action against the license;
2. If the respite care fails to submit and implement a statement of compliance, the Department must initiate disciplinary action against the respite care service license, in accordance with 175 NAC 15-008; or
3. In making a determination to accept a statement of compliance or initiate or not initiate disciplinary action against the license, the Department may conduct a re-inspection within 90 days of the first inspection, or sooner as requested by the licensee.

15-005.05 Re-inspections

15-005.05A The Department may conduct re-inspections to determine if a respite care service fully complies with the requirements of 175 NAC 15-006 and 15-007. The reinspection:

1. May occur after having issued a provisional license; having received a statement of compliance; or having imposed disciplinary action; and

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2. Must occur within 90 days of the first inspection, or sooner as requested by the licensee.

15-005.05B Following a reinspection, the Department may:

1. Convert a provisional license to a regular license;
2. Affirm that the provisional license is to remain effective; or
3. Modify a disciplinary action.